

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: February 10, 2020




John E. Hoffman, Jr.
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re:)	Chapter 11
)	
MURRAY ENERGY HOLDINGS CO., <i>et al.</i> , ¹)	Case No. 19-56885 (JEH)
Debtors.)	Judge John E. Hoffman, Jr.
)	(Joint Administration Granted)
)	
BLACK DIAMOND COMMERCIAL)	
FINANCE, L.L.C., as Administrative Agent,)	
Plaintiff,)	Adv. Pro. No. 19-02143
)	
v.)	
)	
MURRAY ENERGY CORP.,)	
MURRAY ENERGY HOLDINGS CO.,)	
GLAS TRUST COMPANY LLC, and)	
U.S. BANK, N.A.,)	
Defendants.)	
)	

¹ Due to the large number of Debtors in these chapter 11 cases, for which joint administration has been granted, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. Such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.primeclerk.com/MurrayEnergy>. The location of Debtor Murray Energy Corporation's principal place of business and the Debtors' service address in these chapter 11 cases is 46226 National Road, St. Clairsville, Ohio 43950.

**AGREED ORDER SCHEDULING AN EXPEDITED HEARING
TO CONSIDER DEFENDANTS' JOINT MOTION FOR PROTECTIVE ORDER
PURSUANT TO RULE 26(c) STAYING DISCOVERY PENDING RESOLUTION OF
THE AMENDED MOTION TO DISMISS AND PLAINTIFF'S MEMORANDUM IN
OPPOSITION AND APPROVING FORM AND MANNER OF NOTICE
[RELATED TO DOCKET NO. 53]**

This matter came before the Court upon the *Motion for an Order Scheduling an Expedited Hearing to Consider Defendants' Joint Motion for Protective Order Pursuant to Rule 26(c) Staying Discovery Pending Resolution of the Amended Motion to Dismiss and Plaintiff's Memorandum in Opposition and Approving Form and Manner of Notice [Related to Docket Nos. 48 and 51]* (the "Motion for Expedited Hearing") filed by Plaintiff Black Diamond Commercial Finance, L.L.C., as Administrative Agent ("Plaintiff"), and it appearing that due and sufficient notice of the Motion for Expedited Hearing having been given; after due deliberation and cause appearing therefore; and based upon the stipulation of the Plaintiff and Defendants GLAS Trust Company LLC, as administrative agent, Debtor Murray Energy Corporation, Debtor Murray Energy Holdings Co., and U.S. Bank, N.A., as collateral trustee (collectively, "Defendants", and together with Plaintiff, the "Parties"); it is hereby ORDERED that:

1. The Motion for Expedited Hearing is granted as set forth in this Order.
2. The *Defendants' Joint Motion for Protective Order Pursuant to Rule 26(c) Staying Discovery Pending Resolution of the Amended Motion to Dismiss* (the "Motion to Stay Discovery") [Docket No. 48], along with *Plaintiff's Memorandum in Opposition* [Docket No. 51] and any reply memorandum by Defendants filed by February 10, 2020, pursuant to LBR 7026-1(b), and all matters properly heard thereon, shall be heard at the time, date, and place set forth below.
3. The expedited hearing on the Motion to Stay Discovery and all related matters is hereby set for **February 19, 2020 at 3:00 p.m., prevailing Eastern Time**, by telephonic

appearance before the Honorable John E. Hoffman, Jr., United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of Ohio, Courtroom A, 5th Floor, 170 North High Street, Columbus, Ohio 43215.

4. Counsel appearing for the Parties at the expedited hearing shall arrange for their telephonic participation through CourtSolutions by telephone (917) 746-7476, adhering to the procedures for telephonic participation applicable in the Court as set forth in the *Amended Order Implementing Certain Notice and Case Management Procedures* [Docket No. 764].

5. Due to the Parties' stipulation to the entry of this Agreed Order, Plaintiff is not required to serve written notice of the expedited hearing or to file a certificate of service, as would otherwise be required by LBR 9073-1(b)(2) and (3).

6. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

SO ORDERED.

Stipulated to and submitted by:

/s/ Tyson A. Crist

Tyson A. Crist (0071276)
John C. Cannizzaro (0085161)
ICE MILLER LLP
250 West Street, Suite 700
Columbus, OH 42315
Telephone: (614) 462-2243
Facsimile: (614) 224-3266
Tyson.Crist@icemiller.com
John.Cannizzaro@icemiller.com

- and -

Lawrence S. Robbins (*pro hac vice*)
William J. Trunk (*pro hac vice*)
Arial N. Lavinbuk (*pro hac vice*)
Jack A. Herman (*pro hac vice*)

/s/ Andrew Goldman

Andrew Goldman (*pro hac vice*)
Craig Goldblatt (*pro hac vice*)
Benjamin Loveland (*pro hac vice*)
Christopher D. Hampson (*pro hac vice*)
Salvatore M. Daniele (*pro hac vice*)
WILMER CUTLER PICKERING
HALE AND DORR LLP
250 Greenwich Street
New York, NY 10007
Telephone: (212) 230-8800
Facsimile: (212) 230-8888
andrew.goldman@wilmerhale.com
craig.goldblatt@wilmerhale.com
benjamin.loveland@wilmerhale.com
chris.hampson@wilmerhale.com
sal.daniele@wilmerhale.com

ROBBINS, RUSSELL, ENGLERT,
ORSECK, UNTEREINER & SAUBER LLP
2000 K Street, N.W., 4th Floor
Washington, DC 20006
Telephone: (202) 775-4500
Facsimile: (202) 775-4510
lrobbins@robbinsrussell.com
wtrunk@robbinsrussell.com
alavinbuk@robbinsrussell.com
jherman@robbinsrussell.com

*Counsel to Black Diamond Commercial
Finance L.L.C., as Administrative Agent*

- and -

/s/ Douglas L. Lutz
Douglas L. Lutz (0064761)
A.J. Webb (0093655)
Bryan J.K. Sisto (0088143)
FROST BROWN TODD LLC
3300 Great American Tower
301 East Fourth Street
Cincinnati, OH 45202
Telephone: (513) 651-6800
Facsimile: (513) 651-6981
dlutz@fbtlaw.com
awebb@fbtlaw.com
bsisto@fbtlaw.com

*Counsel to GLAS Trust Company LLC,
as Administrative Agent*

/s/ Kim Martin Lewis
Kim Martin Lewis (0043533)
Alexandra S. Horwitz (0096799)
DINSMORE & SHOHL LLP
255 East Fifth Street
Suite 1900
Cincinnati, OH 45202
Telephone: (513) 977-8200
Facsimile: (513) 977-8141
kim.lewis@dinsmore.com
allie.horwitz@dinsmore.com

- and -

Nicole L. Greenblatt (*pro hac vice*)
Mark McKane (*pro hac vice*)
KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL
LLP
601 Lexington Avenue
New York, NY 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
nicole.greenblatt@kirkland.com
mmckane@kirkland.com

- and -

Ross M. Kwasteniet (*pro hac vice*)
Joseph M. Graham (*pro hac vice*)
KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL
LLP
300 North LaSalle
Chicago, IL 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
ross.kwasteniet@kirkland.com
joe.graham@kirkland.com

*Counsel to Murray Energy Corp. and Murray
Energy Holdings Co. and Proposed Counsel
to the Debtors and Debtors in Possession*

/s/ Robert C. Folland

Robert C. Folland (0065728)
Kyle R. Gerlach (0093433)
BARNES & THORNBURG LLP
41 S. High Street, Suite 3300
Columbus, OH 43215-6104
Telephone: (614) 628-1429
rob.folland@btlaw.com
kyle.gerlach@btlaw.com

- and -

Eric Lopez Schnabel (*pro hac vice*)
Alessandra Glorioso (*pro hac vice*)
DORSEY & WHITNEY LLP
51 East 52nd Street
New York, NY 10019
Telephone: (212) 415-9200
schnabel.eric@dorsey.com
glorioso.allesandra@dorsey.com

*Counsel to U.S. Bank, N.A.,
as Collateral Trustee*

Copies to: Tyson A. Crist
John C. Cannizzaro
Lawrence S. Robbins (*pro hac vice*)
William J. Trunk (*pro hac vice*)
Ariel N. Lavinbuk (*pro hac vice*)
Jack A. Herman (*pro hac vice*)
Andrew Goldman (*pro hac vice*)
Craig Goldblatt (*pro hac vice*)
Benjamin Loveland (*pro hac vice*)
Christopher D. Hampson (*pro hac vice*)
Salvatore M. Daniel (*pro hac vice*)
Douglas L. Lutz
A.J. Webb
Brian J.K. Sisto
Kim Martin Lewis
Alexandra S. Horwitz
Nicole L. Greenblatt (*pro hac vice*)
Mark McKane (*pro hac vice*)
Ross M. Kwasteniet (*pro hac vice*)
Joseph M. Graham (*pro hac vice*)
Robert C. Folland
Kyle R. Gerlach
Eric Lopez Schnabel (*pro hac vice*)
Alessandra Glorioso (*pro hac vice*)